

### **REMARKS**

Applicants amend claims 40, 41, 45, 46, 50, 51, 56, 57, 60, 61, 69, 70, 73, 77 and 79, as indicated above. Various grounds of rejection are discussed in detail below. The application is believed to be in condition for allowance. Reconsideration and allowance are respectfully requested.

#### **Rejections Under 35 U.S.C. 102**

Claims 40, 41, 45, 46, 56, 57, 61, 69, 70, 73 and 77 are rejected as being anticipated by U.S. Patent No. 4,979,206 of Padden.

Claim 40, as amended, recites a method of establishing a communications call, which comprises enabling an A party to select a B party from a database using an interactive device connected to a public network, where the public network comprises an *Internet* messaging network. The method further calls for utilizing the *Internet* messaging network to access called address data for the B party from a public directory of said public network in response to selecting the B party, and sending the called address data for the B party and calling address data for the A party to a connection module of said public network. A call can then be established between the A and B parties over the public network using the connection module and the called and calling address data.

Padden is generally directed to a system for automatically obtaining directory assistance, which connects a customer requesting directory assistance to an automatic speech recognition unit (ASRU), and prompts the customer to identify a requested directory number. The ASRU converts the customer's speech signal to data signals for searching a directory. If the search identifies the desired number, it is sent to the customer, and the customer is prompted to indicate whether a call to the identified number should be made. More specifically, the Padden system includes a voice processing unit (VPU) that receives a customer's speech or keyed data, via a voice and data switching network, and processes the received information to generate data corresponding to the customer's request. The VPU sends the data to a control unit that, in turn, transmits the data to a directory assistance system computer (DAS/C) that comprises a searchable database. The DAS/C conducts a search of that database for the requested listing. Further, the DAS/C sends the listing, if

found in the database, to an audio response unit that, in turn, announces the listing, via the voice and data switching network, to the customer.

As noted in the response to the previous Office Action, the Padden system does not utilize a *messaging network*. In particular, the voice and data switching network in Padden is not a messaging network, e.g., a *packet-based* network such as the Internet. The Examiner, however, disagrees and states that “[T]he applicant didn’t claim that the messaging network is an Internet.” Further, the Examiner states that “Padden discloses voice and data switching network 12 (fig. 1) as a messaging network since voice message is being transmitted through the network ...”

In response, Applicants respectfully note that the term messaging network, as used in Applicants’ specification, refers to a specific type of network, namely, a packet-based network such as an Internet. In order to further clarify this usage of the term messaging network, claim 40 is amended to expressly recite that the messaging network is an Internet messaging network, and that the Internet is utilized to access called address data for the B party. In contrast, Padden does not utilize the Internet to access its searchable database to search for a requested listing.

Accordingly, Padden fails to anticipate claim 40.

Similar reasoning applies to establish that independent claims 41, 45, 46, 56, 57, 61, 69, 70, 73, and 77, as amended, are patentable over Padden.

In Paragraph 7 of the Office Action, claim 56 is rejected as being anticipated by U.S. Patent No. 5, 884, 032 of Bateman.

Claim 56, as amended, recites an interface stored on an interactive device connected to a public network, which includes code for generating a display on an interactive device of B party data, and code allowing an A party to select a B party from said B party data. The interface further includes code for transmitting to the public network selected party data corresponding to the selected B party and A party data, where the public network accesses called address data for the B party in a public directory by utilizing an *Internet* messaging network on the basis of the selected

party data and establishes a call between an A party and a B party using the A party data and the called address data.

Bateman is directed to methods and systems for automatically providing a telephone connection between a customer utilizing an organization's multimedia services to the organization's Automatic Call Distribution (ACD) agent. In a typical session, a customer utilizes a browser to access a web server of the organization to view HTML pages containing information regarding the organization's products and services. The customer can choose a "Live Help" option provided within a viewed HTML page to prompt a HTML form to pop up. The pop-up HTML form asks the customer for a telephone number at which the customer can be reached. Further, the URL of the page that the customer was viewing is automatically entered in the form. The customer's calling information is sent to a HOTLIST database that feeds an outbound dialing system. The agent can view the HTML page associated with the customer's URL before or while a call is automatically made to connect the agent to the customer.

Bateman does not provide a *display* of the agents to the customer on an *interactive device* of the customer from which the customer can *select* an agent. In fact, in Bateman, a customer does not select a particular agent. Rather, the customer submits an HTML form to the call center, in which the customer's calling information is provided, and the outbound dialing of the call center sets up a call between the customer and an agent when that agent becomes available.

Hence, Bateman fails to anticipate the subject matter of claim 56.

In paragraph 9, the Office Action rejects claim 40, 41, 45, 46, 56, 57, 61, 69, 70, 73, and 77 as being anticipated by U.S. Patent No. 5,483,586 of Sussman.

Sussman discloses generally a method for automatically updating a subscriber's local telephone directory via periodic downloads from a central on-line database. More specifically, a central telephone directory service provider maintains a central on-line database. The service provider can transmit, via a conventional common carrier telecommunications switching network

(CCTSN), updated directories to a subscriber based on pre-defined update schedule, e.g., weekly or monthly.

Sussman employs a conventional switching network (i.e., CCTSN), and not an Internet messaging network, for transmitting the directory information to a subscriber. Nor does it indicate that the directory data is retrieved from the central database via the Internet. Accordingly, it fails to teach or suggest a salient feature of claim 40, namely, *utilizing an Internet to access called address data* from a B party selected by an A party.

Similar reasoning applies to establish that claims 41, 45, 46, 56, 57, 61, 69, 70, 73 and 77 distinguish patentably over Sussman, as each of these claims recites an Internet messaging network, which is utilized to obtain (access) called address data of a B party – a feature not taught by Sussman.

### **Rejections Under 35 U.S.C. 103**

Claims 40, 41, 43, 47, 48, 49, 57, 58, 59, 61, 62, 63, 64, 65, 66, 67, 68-71, 72, 73-87, 88, and 89 are rejected as being obvious over the combined teachings of U.S. Patent No. 5,884,032 of Bateman in view of U.S. Patent No. 4,979,206 of Padden.

As noted above, in Bateman, a customer does not select a particular agent from a database. Rather, the customer submits an HTML form to the call center in which the customer's calling information is provided, and the outbound dialing system, which maintains a HOTLIST of customers to be called, selects an agent for calling the customer. Nonetheless, the Examiner states that it would have been obvious to modify Bateman to allow a customer to select a particular agent. The Examiner indicates that the motivation for the modification is to be able "to make a search of a directory to get an available agent instead of waiting for a certain period of time in a queue."

Such a modification, however, would lead to certain disadvantages. While the Bateman system allows the customer to request a call-back at a time suitable for the customer, such a modification would require the customer to wait on a queue until the desired agent is available. In other words, it would lead to a system similar to those that Bateman criticizes in its background.

Further, such a modification would not allow an agent to consider a customer's inquiry off-line and call back the customer only when the agent can answer the customer's question.

Moreover, while claim 40 specifies that the desired called address data of a party (B party) is accessed via the Internet messaging network in a public directory, the outbound dialing system of Bateman, however, does not look up a customer's calling data in a public directory. Although the Examiner agrees with this distinction between the claimed subject matter and Bateman, he nonetheless argues that Padden teaches this limitation. However, whereas the amended claim 40 clarifies that the called address data of the B party is accessed via an Internet messaging network, Padden does not utilize the Internet to access its searchable database

Accordingly, Claim 40 distinguishes patentably over the combined teachings of Bateman and Padden.

Similar reasoning applies to establish that claims 41, 42 –49 also distinguish patentably over the combined teachings of Batman and Padden.

With regard to independent claim 57, Applicants note that while this claim recites “code allowing an A party to select B party from said B party data,” Bateman does not teach such a feature, as discussed above. Nor does Padden access called address data of a party in a public directory by utilizing an Internet messaging network– a feature of claim 57. Thus, claim 57 and claims 58, 59, which depend on 57, distinguish patentably over the combined teachings of the cited references.

Similar reasoning applies to establish that claims 60 and 88 are also patentable over the combined teachings of the cited art.

In Paragraph 14, claims 50-51, and 60 are rejected as being unpatentable over Padden in view of Sussman.

Claim 50 recites, among other features, that “said public network accesses called address data of said B party in a public directory via an Internet messaging network on basis of said selected

party data ...” As discussed above, Padden does not employ an Internet messaging network to access its searchable database for a desired listing. Nor does Sussman utilize an Internet messaging network to transfer data between a subscriber and the directory service provider. Rather, it relies on a common carrier telecommunications switching network for such data transfer.

Thus, claim 50 distinguishes patentably over Padden and Sussman. Further, similar reasoning applies to establish that claims 51 and 60 are likewise patentable.

In Paragraph 15, claims 50-55, 57, 58, 59-68 are rejected as being unpatentable over Bateman in view of Sussman.

Claim 50 recites, among other elements, “a selector for enabling an A party to select a B party on said display.” As discussed above, Bateman does not allow a customer to choose a particular agent. Nor is there any motivation to modify Bateman to provide such a feature. In fact, as discussed above, such a modification would lead to certain disadvantages. Further, while claim 50 recites that the “public network accesses called address data of said B party in a public directory via an Internet messaging network...,” there is no indication that Sussman utilizes an Internet, or any packet-switched network for that matter, for transmission of data between a customer and the directory service provider.

Thus, claim 50 distinguishes patentably over the combined teachings of Bateman and Sussman. Further, similar reasoning applies to establish that other similarly-rejected claims are also patentable.

**CONCLUSION**

In view of the above amendments and remarks, Applicants respectfully request reconsideration and allowance of the application. The Examiner is invited to call the undersigned at (617) 439-2514 if there are any questions.

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